

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA

v.

JENIFFER BOWEN-DODOO,

Defendant.

CRIMINAL NO. 2016-001

GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO COMPEL

COMES NOW, the United States of America, by and through Ronald W. Sharpe, United States Attorney for the District of the Virgin Islands and Everard E. Potter, Assistant United States Attorney, and respectfully opposes defendant’s Motion to Compel and states as follows:

1. Defendant seeks to have the government produce the “rape kit” obtained from the minor victim in this matter. The government discussed the issue of a “rape kit” with the defendant, indicating that it was unaware that such a report existed. The government then advised defendant that it will turn over any medical records in its possession. In that regard, the government produced Bates No. 0037-0055.
2. In the government’s initial discovery it informed defendant that Agent Alicia Blyden audio recorded defendant’s statement. The government then produced the recorded statement on a CD. In supplemental discovery, the government informed defendant that the recording device used to record defendant’s statement to law enforcement was a “voice memo” feature found on Agent Blyden’s Apple iPhone. The

government will not turn over Agent Blyden's cell phone to the defendant, but the defendant can arrange to view the iPhone.

3. Defendant also requested that the government return her cell phone. Defendant was advised that when and if the government determines that the cell phone lacks evidentiary value, it will be returned to the defendant. The government has not searched defendant's cell phone.

As to the other factual assertions made in defendant's motion, particularly where counsel states as fact certain comments allegedly made by undersigned counsel, the government considers it good form not to respond.

Wherefore the government respectfully requests that defendant's motion to compel be denied.

Respectfully submitted,

RONALD W. SHARPE
UNITED STATES ATTORNEY

Dated this 22nd day of February, 2016

By: /s/Everard E. Potter
Everard E. Potter
Assistant United States Attorney
United States Attorney's Office
District of the Virgin Islands
5500 Veteran's Drive, Suite 260
St. Thomas, Virgin Islands 00802
Telephone: (340) 774-5757
Everard.Potter@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of February, 2016, I electronically filed the foregoing GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL with the Clerk of the Court using the CM/ECF System which will send notice of such filing to:

Michael L. Sheesley

MLSPC

P O BOX 307728

Su

St Thomas, VI 00803

Email: michaelsheesleypc@gmail.com

/s/ Everard E. Potter.

Everard E. Potter

Assistant United States Attorney